



Declaration of        hong Pei  
Ser. No. 09/401,004  
Page 2

'686 application is a continuation of Application Serial No. 09/301,391 (hereinafter, the '391 application), which was filed on April 28, 1999, and issued as U.S. Pat. No. 6,127,381 (hereinafter, the '381 patent).

4) The '686 and '391 applications, as well as the '381, make no disclosure of any benzimidazole derivatives. Accordingly, the earliest date of disclosure of any benzimidazole derivatives in the '735 patent is the filing date of the '386 application, which is July 16, 1999.

5) As shown above, the above-identified application was filed on September 21, 1999, which is well within one year of the filing date of the '386 application.

6) Moreover, the subject invention was conceived and reduced to practice several months prior to the filing date of the '386 application.

7) In support of this contention, attached hereto is a copy of a memorandum from Hengyuan Lang, the other named inventor of the subject invention, and me. The memorandum, dated December 21, 1998, states that "TRG 4500," which is the designation of the subject combinatorial library, and whose reaction scheme and resulting compounds are the basis of the subject invention, was completed.

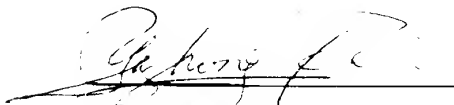
8) Also attached to this memorandum, and enclosed herewith, is a list of the building blocks used to make the subject combinatorial library.

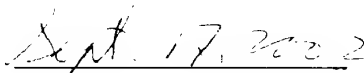
9) The combinatorial library referred to in the attached memorandum is precisely the same as the one described in the examples of the subject application. Specifically, all of the building blocks listed in the attached memorandum and used to make the subject combinatorial library are precisely the same ones at the same positions as those described in the examples of the subject application.

10) More specifically: a) the 40 aldehydes listed in the memorandum precisely correspond to the 40 aldehydes listed at page 76, line 9 to page 77, line 16 of the subject application; b) the 18 amino acids or diamines listed in the memorandum precisely correspond to the 18 amino acids or diamines listed at page 77, line 27 to page 78, line 14 of the subject application; and c) the 28 amines listed in the memorandum precisely correspond to the 28 amines listed at page 79, line 16 to page 80, line 14 of the subject application.

Declaration of Yazhong Pei  
Ser. No. 09/401,004  
Page 4

I declare that all statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willfully false statements are punishable by fine or imprisonment under 18 U.S.C. Section 1001 and that any such statement may jeopardize the validity of the subject application or any patent issued thereon.

  
Yazhong Pei

  
Date



SEP 24 2002

## IRG4500 LIBRARY RELEASE MEMO

To: J. Kiefer  
cc: J. Kiely  
From: Hengyuan Fan, Yazhong Pei  
Date: 11-21-98  
Subject: IRG-4500 Final Release Package

Attached is the information for the Final Release of IRG-4500: a Library of 1,2,5- Trisubstituted Benzimidazole Derivatives

This Package includes:

- Library Summary (1 page)
- Assembly of Building Blocks Diagram (1 page)
- Library Synthesis Scheme (1 page)
- Plate list and Weight (1 page)
- List of Building Blocks for each set (3 page)
- Database of compounds for 3 sets (Electronic)

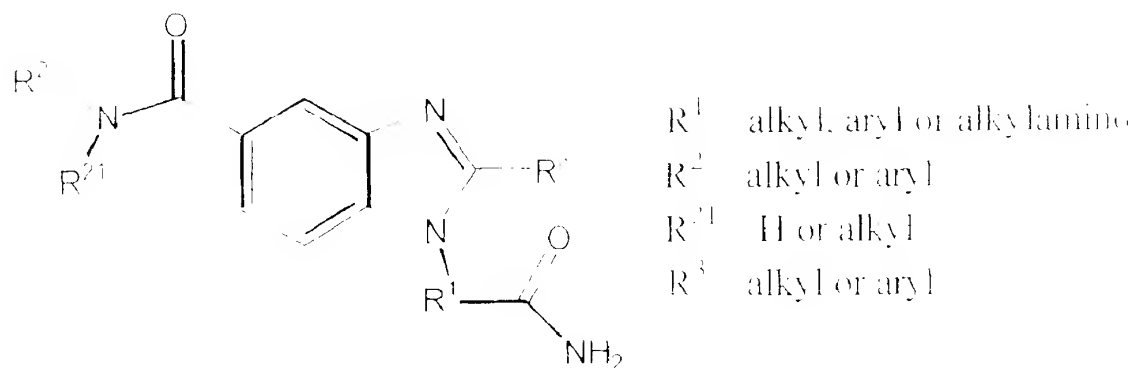
IRG-4500 consists of 20,160 single compounds in 252 (84 x 3) microtiter plates.

The library was prepared from 18 R1 (including 16 amino acids and 2 diamines), 28 R2 (primary and secondary amines) and 40 R3 (aldehydes, Set 2 and 3 have two substitutes) which were selected by diversity calculations. The 504 intermediates (18 R1 x 28 R2) were divided into 3 non-overlapping sets by NBA draft method. Each intermediate was reacted with 40 aldehydes and each plate contains two intermediates. The products were then analyzed by APC-MS (direct injection) and by HPLC.

Patent Application  
Patent Filed:

ERG-4500

1,2,5-Trisubstituted Benzimidazoles



Library Format: 18  $R_1$  X 28  $R_2$  X 40  $R_3$

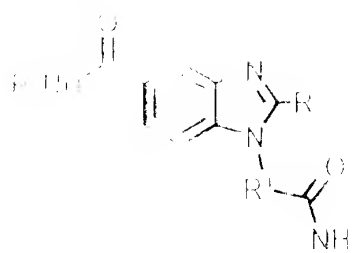
Library Format: Single Compounds

	Min. MW	Max. MW	Median MW	Mean MW	Std Dev.
Library Data	314.39	792.86	527.62	534.46	73.15

Stock concentration: 10 mg/mL in DMSO

Resin: MBHA (1.3 mmol/g)

FIG. 2



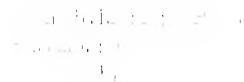
### R1 Amino Acids & Diamines

BOC-Glycine  
BOC-Alanine  
BOC-beta-Alanine  
BOC-gamma-Aminobutyric Acid  
BOC-epsilon-Aminocaproic Acid  
BOC-Isoleucine  
BOC-Glutamine  
BOC-Methionine  
BOC-Valine  
BOC-Phenylglycine  
BOC-Phenylalanine  
BOC-Cyclohexylamine  
BOC-4-Chloro-Phenylamine  
BOC-Tryptophan  
BOC-Lysine (N<sup>3</sup>-trifluoroacetamide)  
BOC-Arginine (N<sup>2</sup>-tosyl)  
Ethylenediamine with CDI  
trans-1,4-Diaminocyclohexane with CDI

### R2 Amines

1,3,3-trimethyl-6-azabicyclo(3.2.1)octane  
1-(4-fluorophenyl)piperazine  
1-acetylpiperazine  
p-anisidine  
4-phenoxyaniline  
2-(aminomethyl)-1-ethylpyrrolidine  
2-(aminomethyl)piperidine  
morpholine  
2-methyl-1-(4-methoxyphenyl)piperazine  
2-[2-(methylamino)ethyl]pyridine  
3,3,5-trimethylcyclohexylamine  
cyclohexylamine  
3-trifluoromethylbenzylamine  
6-morphindazole  
beta-alanine methyl ester hydrochloride  
cyclooctylamine  
cyclopropylamine  
dibenzylamine  
ethylmorpholine  
N,N'-bis(4-N-methylphenyl)ethylenediamine  
N-(3-aminopropyl)-2-pyrrolidinone  
N-(3-aminopropyl)morpholine  
1,4-dioxane

1



### R3 Aldehydes

8-phenoxy-2-naphthaldehyde  
4-hydroxy-3-methoxybenzaldehyde  
4-methoxybenzaldehyde  
4-phenoxybenzaldehyde  
4-bromothiophene-2-carboxaldehyde  
4-pyridinecarboxaldehyde  
2-methylbutyraldehyde  
4-chloro-3-nitrobenzaldehyde  
3-nitrobenzaldehyde  
2,3-dichlorobenzaldehyde  
2,5-difluorobenzaldehyde  
5-methyl-2-furaldehyde  
4-chloro-3-fluorobenzaldehyde  
4-formyl-2-phenylimidazole  
8-methyl-2-furaldehyde  
4-bromobenzaldehyde  
5-norbornene-2-carboxaldehyde  
6-nitropiperonal  
2-chloro-5-nitrobenzaldehyde  
5-hydroxy-2-nitrobenzaldehyde  
3-hydroxybenzaldehyde  
3,4-difluorobenzaldehyde  
4-dimethylaminobenzaldehyde  
2-thiophenecarboxyaldehyde  
3-cyanobenzaldehyde  
4-nitrobenzaldehyde  
2-fluorobenzaldehyde  
4-carboxybenzaldehyde  
2-bromobenzaldehyde  
2-chloro-3,4-dimethoxybenzaldehyde  
3-thiophenecarboxaldehyde  
5-quinolinecarboxaldehyde  
4-methyl-5-imidazolecarboxaldehyde  
3-hydroxybenzaldehyde  
2-ethyl-5-formyl-4-methylimidazole  
4-chloro-2-nitrobenzaldehyde  
7-pyridinecarboxaldehyde  
6-nitroveratraldehyde  
2,3,5-trinitrobenzaldehyde  
3,5-dinitrobenzaldehyde